

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

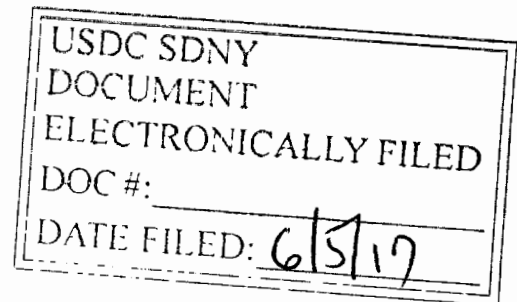
DARCY WEDD,
FRASER THOMPSON,
CHRISTOPHER GOFF,
MICHAEL PEARSE,
YONGCHAO LIU,
a/k/a "Kevin Liu,"
JASON LEE, and
EUGENI TSVETNENKO,
a/k/a "Zhenya,"

Defendants.

- - - - - X

SUPERSEDING INDICTMENT

S3 15 Cr. 616 (KBF)



COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From in or about 2011, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, CHRISTOPHER GOFF, MICHAEL PEARSE, YONGCHAO LIU, a/k/a "Kevin Liu," and JASON LEE, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, to wit, WEDD, GOFF, PEARSE, LIU, and LEE participated in a fraudulent scheme to place unauthorized charges for premium text messaging services on consumers' cellular phone bills by a practice called

"auto-subscribing," through a digital content provider known as Tatto, Inc., a/k/a "Tatto Media" and its affiliates.

2. It was a part and an object of the conspiracy that DARCY WEDD, CHRISTOPHER GOFF, MICHAEL PEARSE, YONGCHAO LIU, a/k/a "Kevin Liu," and JASON LEE, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Wire Fraud)

The Grand Jury further charges:

3. From in or about 2011, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, CHRISTOPHER GOFF, MICHAEL PEARSE, YONGCHAO LIU, a/k/a "Kevin Liu," and JASON LEE, the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent

pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, WEDD, GOFF, PEARSE, LIU, and LEE participated in a fraudulent scheme to place unauthorized charges for premium text messaging services on consumers' cellular phone bills by a practice called "auto-subscribing," through a digital content provider known as Tatto, Inc., a/k/a "Tatto Media" and its affiliates.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

4. From in or about 2011, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, CHRISTOPHER GOFF, MICHAEL PEARSE, YONGCHAO LIU, a/k/a "Kevin Liu," and JASON LEE, the defendants, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit, the wire fraud offense alleged in Count Two, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, WEDD, GOFF, PEARSE, LIU, and LEE used the telephone numbers of consumers without authorization as part of their

fraudulent auto-subscribing scheme.

(Title 18, United States Code, Sections 1028A & 2.)

COUNT FOUR

(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

5. From in or about 2011, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, CHRISTOPHER GOFF, and MICHAEL PEARSE, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957.

6. It was a part and an object of the conspiracy that DARCY WEDD, CHRISTOPHER GOFF, and MICHAEL PEARSE, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, willfully and knowingly would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, in violation of Title

18, United States Code, Section 1956(a)(1)(B)(i), to wit, WEDD, GOFF, and PEARSE distributed the proceeds of the wire fraud scheme alleged in Count Two among themselves and the other co-conspirators by, among other things, causing funds to be transferred through the bank accounts of a series of nominee companies and companies held in the name of third parties, in order to conceal the nature and source of the payments that WEDD, GOFF, PEARSE and other co-conspirators received for their respective roles in the wire fraud scheme alleged in Count Two.

7. It was further a part and an object of the conspiracy that DARCY WEDD, CHRISTOPHER GOFF, and MICHAEL PEARSE, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, willfully and knowingly would and did engage in and cause others to engage in a monetary transaction, as that term is defined in Title 18, United States Code, Section 1957(f)(1), in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, in violation of Title 18, United States Code, Section 1957, to wit, WEDD, GOFF, and PEARSE caused wire transfers, cash transfers, and/or check transfers of over \$10,000 each to be sent to themselves and other co-conspirators, knowing that the funds transferred represented the proceeds of a criminal offense, to wit, the wire fraud

scheme alleged in Count Two.

(Title 18, United States Code, Section 1956(h).)

COUNT FIVE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

8. From in or about 2012, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, to wit, WEDD, THOMPSON, and TSVETNENKO participated in a fraudulent scheme to place unauthorized charges for premium text messaging services on consumers' cellular phone bills by a practice called "auto-subscribing," through digital content providers known as CF Enterprises Pty Ltd and DigiMobi Pty Ltd.

9. It was a part and an object of the conspiracy that DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises,

would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

COUNT SIX

(Wire Fraud)

The Grand Jury further charges:

10. From in or about 2012, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, WEDD, THOMPSON, and TSVETNENKO participated in a fraudulent scheme to place unauthorized charges for premium text messaging services on consumers' cellular phone bills by a practice called "auto-subscribing," through digital content providers known

as CF Enterprises Pty Ltd and DigiMobi Pty Ltd.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT SEVEN

(Aggravated Identity Theft)

The Grand Jury further charges:

11. From in or about 2012, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit, the wire fraud offense alleged in Count Six, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, WEDD, THOMPSON, and TSVETNENKO used the telephone numbers of consumers without authorization as part of their fraudulent auto-subscribing scheme.

(Title 18, United States Code, Sections 1028A & 2.)

COUNT EIGHT

(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

12. From in or about 2012, up to and including in or about 2013, in the Southern District of New York and elsewhere, DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, and others known and unknown, willfully and knowingly

did combine, conspire, confederate, and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957.

13. It was a part and an object of the conspiracy that DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, willfully and knowingly would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), to wit, WEDD, THOMPSON, and TSVETNENKO distributed the proceeds of the wire fraud scheme alleged in Count Six among themselves and the other co-conspirators by, among other things, causing funds to be transferred through the bank accounts of a series of nominee companies and companies held in the name of third parties, in order to conceal the nature and source of the payments that WEDD, THOMPSON, and TSVETNENKO and other co-conspirators received for their respective roles in the wire fraud scheme alleged in Count Six.

14. It was further a part and an object of the conspiracy that DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, willfully and knowingly would and did engage in and cause others to engage in a monetary transaction, as that term is defined in Title 18, United States Code, Section 1957(f)(1), in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, in violation of Title 18, United States Code, Section 1957, to wit, WEDD, THOMPSON, and TSVETNENKO caused wire transfers, cash transfers, and/or check transfers of over \$10,000 each to be sent to themselves and other co-conspirators, knowing that the funds transferred represented the proceeds of a criminal offense, to wit, the wire fraud scheme alleged in Count Six.

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

15. As a result of committing one or more of the offenses alleged in Counts One and Two of this Indictment, DARCY WEDD, CHRISTOPHER GOFF, MICHAEL PEARSE, YONGCHAO LIU, a/k/a "Kevin Liu," and JASON LEE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, which constitutes or is derived from proceeds traceable

to the commission of the offenses alleged in Counts One and Two.

FORFEITURE ALLEGATION AS TO COUNT FOUR

16. As a result of committing the offense alleged in Count Four of this Indictment, DARCY WEDD, CHRISTOPHER GOFF, and MICHAEL PEARSE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in the offense alleged in Count Four, or any property traceable to such property.

FORFEITURE ALLEGATION AS TO COUNTS FIVE AND SIX

17. As a result of committing one or more of the offenses alleged in Counts Five and Six of this Indictment, DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts Five and Six.

FORFEITURE ALLEGATION AS TO COUNT EIGHT

18. As a result of committing the offense alleged in Count Eight of this Indictment, DARCY WEDD, FRASER THOMPSON, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in the offense

alleged in Count Eight, or any property traceable to such property.

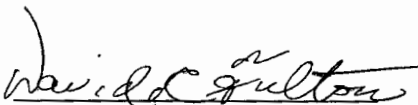
Substitute Asset Provision

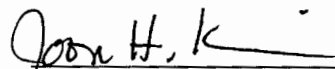
19. If any of the property described above as being subject to forfeiture, as a result of any act or omission of DARCY WEDD, FRASER THOMPSON, CHRISTOPHER GOFF, MICHAEL PEARSE, YONGCHAO LIU, a/k/a "Kevin Liu," JASON LEE, and EUGENI TSVETNENKO, a/k/a "Zhenya," the defendants,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b); Title 21, United States Code, Section 853(p); and Title 28, United States Code, Section 2461 to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981 and 982;
Title 21, United States Code, Section 853;
Title 28, United States Code, Section 2461.)


FOREPERSON


JOON H. KIM
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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JASON LEE,
EUGENI TSVETNENKO,
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Defendants.

SUPERSEDING INDICTMENT

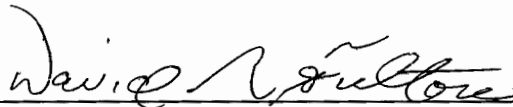
S3 15 Cr. 616 (KBF)

(18 U.S.C. §§ 1028A, 1343, 1349,
1956(h), and 2.)

Joon H. Kim

Acting United States Attorney.

A TRUE BILL



Foreperson.

6/5/17 - Filed Superseding Indictment
cc A/W issued J. Potman.
USM